



Who May Use Warrant Process?

Dear Reader:

The following document was created from the MTAS website ([mtas.tennessee.edu](https://www.mtas.tennessee.edu)). This website is maintained daily by MTAS staff and seeks to represent the most current information regarding issues relative to Tennessee municipal government.

We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with municipal government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other MTAS website material.

Sincerely,

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Reference Number: MTAS-1082

T.C.A. § 68-120-117 empowers local governments to take action against property owners who refuse to permit certified building inspectors to enter their premises, when there is reason to believe that code violations exist on the property. Following is the statutory language explaining who is required to be involved in the process:

- (a) (1) "Agency" means any county, city, or town employing a building official certified pursuant to § 68-120-113;
- (2) "Building official" means any local government building official certified pursuant to § 68-120-113; provided, that such officials are acting in their capacity as an official of a municipality or county, and provided that the official is seeking to enforce the ordinances or codes of such local government;...

A city must first employ a certified building inspector and adopt building codes, fire codes and/or property maintenance ordinances before taking action under the law. Certification of building inspectors is a function of the office of the State Fire Marshall. T.C.A. § 68-120-113. It is important to note that the inspector must be certified under the code being enforced in order to apply for an inspection warrant. The building inspector is the only municipal official charged with taking action under the law to obtain an inspection warrant.

DISCLAIMER: The letters and publications written by the MTAS consultants were written based upon the law at the time and/or a specific sets of facts. The laws referenced in the letters and publications may have changed and/or the technical advice provided may not be applicable to your city or circumstances. Always consult with your city attorney or an MTAS consultant before taking any action based on information contained in this website.

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